

## Message Text

UNCLASSIFIED

PAGE 01 LONDON 08794 01 OF 02 051205Z  
ACTION EB-08

INFO OCT-01 IO-14 CIAE-00 COME-00 DODE-00 DOTE-00  
FMC-02 INR-10 NSAE-00 CG-00 DLOS-09 OES-07 L-03  
AF-10 ARA-14 EA-12 EUR-12 NEA-11 OIC-02 EPAE-00  
CEQ-01 ISO-00 /116 W  
-----074799 051247Z /64

P R 051006Z JUN 78  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC PRIORITY 6791  
INFO AMEMBASSY PARIS  
AMEMBASSY BRUSSELS  
AMEMBASSY MONROVIA

UNCLAS SECTION 1 OF 2 LONDON 8794

DEPT PASS TO DOT AND COAST GUARD  
AMEMBASSY PARIS FOR USOECD ALSO  
AMEMBASSY BRUSSELS FOR USEEC

E.O. 11652: N/A  
TAGS: EWWT, PORG, IMCO  
SUBJ: IMCO: 35TH SESSION OF THE LEGAL COMMITTEE  
MAY 30 - JUNE 2, 1978

1. SUMMARY. THE ORIGINAL AGENDA OF THE 35TH SESSION OF THE LEGAL COMMITTEE COVERING MAINLY A NEW CONVENTION FOR AIR CUSHION VEHICLES (ACV)--HOVERCRAFT, WAS AMENDED TO INCLUDE THE FRENCH PROPOSALS CONCERNING THE AMOCO CADIZ DISASTER AS REFERRED TO IT BY THE COUNCIL AT ITS FORTIETH SESSION. DISCUSSION ON HOVERCRAFT WAS LIMITED TO TUESDAY AND HALF OF WEDNESDAY. THE COMMITTEE THEN PROCEEDED TO DISCUSS THE LEGAL ISSUES OF REPORTING, ASSISTANCE, AND INCREASING THE LIABILITY LIMITS OF VARIOUS CONVENTIONS. SINCE THE COMMITTEE WAS TO MEET THE FOLLOWING WEEK (36TH SESSION) TO DISCUSS A NEW  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 08794 01 OF 02 051205Z

CONVENTION ON HAZARDOUS SUBSTANCE LIABILITY, IT WAS DECIDED, IN LIGHT OF THE COUNCIL'S REQUEST, TO DEVOTE TUESDAY, THE SIXTH OF JUNE, TO A DISCUSSION OF THE REPORT OF THE 35TH SESSION CONCERNING THE AMOCO CADIZ MATTERS. END SUMMARY.

2. THE COMMITTEE HAD BEFORE IT THREE PRELIMINARY

DRAFT CONVENTIONS RELATING TO ACV'S ELABORATED BY UNIDROIT DEALING WITH (1) REGISTRATION AND NATIONALITY, (2) THE INTERNATIONAL CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA AND BY INLAND WATERWAY, AND (3) THE CIVIL LIABILITY OF OWNERS OF ACV'S FOR DAMAGE CAUSED TO THIRD PARTIES. IN VIEW OF THE NEED TO DEVOTE CONSIDERABLE TIME TO MATTERS ARISING FROM THE AMOCO CADIZ DISASTER, THE COMMITTEE LIMITED ITS DISCUSSION ON ACV'S TO AN EXCHANGE OF VIEWS ON THE DRAFT CONVENTION ON REGISTRATION AND NATIONALITY OF ACV'S. A MAJORITY OF THE DELEGATIONS SPEAKING FELT IT WOULD BE APPROPRIATE TO PREPARE A CONVENTION DEALING WITH THE REGISTRATION AND NATIONALITY OF ACV'S. HOWEVER, A NUMBER OF DELEGATIONS (INCLUDING THE U.S.) SAW NO NEED TO DEVELOP SUCH A CONVENTION. IT WAS POINTED OUT THAT SINCE A LEGAL REGIME FOR VESSEL REGISTRATION ALREADY EXISTS AND SINCE THE CODE OF SAFETY FOR DYNAMICALLY SUPPORTED CRAFT ADOPTED BY RESOLUTION A-373 (X) OF THE IMCO ASSEMBLY SEEMED TO SUGGEST THAT ACV'S WERE TO BE TREATED AS VESSELS, THERE WAS LITTLE BASIS FOR THE LEGAL COMMITTEE TO ELABORATE A LEGAL REGIME TREATING THEM OTHER THAN AS VESSELS. NEVERTHELESS, A SECTION BY SECTION DISCUSSION OF THE DRAFT CONVENTION TOOK PLACE AND IS INCLUDED IN THE COMMITTEE REPORT. IT SHOULD BE NOTED THAT AT THE END OF

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LONDON 08794 01 OF 02 051205Z

THE DISCUSSION OF THE CONVENTION, IT WAS SUGGESTED BY THE DELEGATE OF SWEDEN (PROFESSOR GRONFORS, WHO WAS A PARTICIPANT IN THE DRAFTING AT UNIDROIT) THAT THE ACV MATTER BE PUT IN THE "DEEP FREEZE" FOR TWO OR THREE YEARS BECAUSE OF THE MORE URGENT MATTERS FACING THE LEGAL COMMITTEE. THERE SEEMED TO BE UNANIMOUS AGREEMENT ON THIS PROPOSAL AND IT WOULD APPEAR THAT HOVERCRAFT MAY NOT SOON REAPPEAR ON THE LEGAL COMMITTEE AGENDA.

3. THE COMMITTEE THEN TOOK UP THE REMIT FROM THE COUNCIL CONCERNING THE AMOCO CADIZ. FRANCE WAS ASKED TO GIVE A PRESENTATION CONCERNING ITS PROPOSALS. IT WAS DIFFICULT TO PERCEIVE EXACTLY WHAT THE FRENCH WERE SEEKING IN TERMS OF CONCRETE PROPOSALS, BUT THEIR ORAL PRESENTATION COULD BE REDUCED TO THREE AREAS:

- 1) REPORTING REQUIREMENTS;
- 2) ASSISTANCE TO VESSELS; AND
- 3) INCREASED LIMITS OF THE 1971 FUND CONVENTION

AND 1969 CIVIL LIABILITY CONVENTION (DOUBLING  
WAS SUGGESTED FOR THE 1971 FUND AND AN "ADJUST-  
MENT" IN THE 1969 CLC).

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 LONDON 08794 02 OF 02 051206Z  
ACTION EB-08

INFO OCT-01 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00  
FMC-02 INR-10 NSAE-00 CG-00 DLOS-09 OES-07 L-03  
AF-10 ARA-14 EA-12 EUR-12 NEA-11 OIC-02 EPAE-00  
CEQ-01 /102 W  
-----074796 051237Z /64

P R 051006Z JUN 78  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC PRIORITY 6792  
INFO AMEMBASSY PARIS  
AMEMBASSY BRUSSELS  
AMEMBASSY MONROVIA

UNCLAS SECTION 2 OF 2 LONDON 8794

IN THEIR PRESENTATION, THE FRENCH MADE A POINT OF  
BACKING OFF FROM THEIR ORIGINAL SUGGESTION THAT THE  
1910 BRUSSELS CONVENTION ON ASSISTANCE AND SALVAGE  
MUST BE AMENDED. THEY SUGGESTED THAT THE 1910 CON-  
VENTION CONCERNED "PRIVATE LAW" MATTERS OF CONTRACT  
RATHER THAN "PUBLIC LAW" RIGHTS OF STATES TO DIRECT  
PUBLIC AND PRIVATE EFFORTS TO PROTECT COASTAL INTER-  
ESTS. THEY ALSO INDICATED THAT THE 1969 INTERVENTION  
CONVENTION DID NOT GO FAR ENOUGH IN ALLOWING A STATE  
TO TAKE ACTION. WHEN THE SECRETARY GENERAL OF  
IMCO SUGGESTED THAT THE INTERVENTION CONVENTION MIGHT  
BE AMENDED TO TAKE CARE OF THEIR CONCERNS, THEY  
INSISTED THAT A "NEW" CONVENTION WAS NEEDED. WHILE  
IT WAS NOT AT ALL CLEAR WHY A NEW CONVENTION WAS  
NECESSARY, THEIR PRESENTATION SEEMED TO SUGGEST THAT  
PRIVATE PARTIES BE OBLIGATED TO ASSIST DISABLED  
VESSELS NOT JUST WHEN HUMAN LIFE IS THREATENED BUT  
IN OTHER CIRCUMSTANCES AS WELL (I.E., THREAT TO THE  
COASTAL STATE'S MARINE ENVIRONMENT).

4. THE SECRETARY GENERAL ATTENDED MOST OF THE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 LONDON 08794 02 OF 02 051206Z

MEETINGS AND INVITED FRANCE TO ASSUME THE LEADING ROLE IN SUGGESTING PROPOSALS. FRANCE INSISTED THAT THE SECRETARIAT PREPARE A STUDY OF APPLICABLE LAW ON THE SUBJECT OF REPORTING AND INTERVENTION (ASSISTANCE). THERE APPEARED RELUCTANCE ON THE PART OF THE SECRETARIAT TO ASSUME THIS ROLE, BUT NEVERTHELESS IT WAS SUGGESTED THAT TERMS OF REFERENCE FOR A STUDY BE DRAFTED BY A WORKING GROUP TO BE SUBMITTED TO THE COMMITTEE ON TUESDAY, JUNE SIXTH, FOR ADOPTION. THESE TERMS DRAFTED ON JUNE 2 FOLLOW: (GROUP INCLUDED FR. UK. US, POLAND, LIBERIA, AND SINGAPORE.)

"TERMS OF REFERENCE FOR AN IMCO SECRETARIAT STUDY OF CERTAIN LEGAL PROBLEMS WHICH MAY ARISE IN RELATION TO REPORTING, NOTIFICATION, INTERVENTION, SALVAGE AND ASSISTANCE

"THE SECRETARIAT SHALL STUDY, IN THE LIGHT OF MATERIAL AVAILABLE, AND IN PARTICULAR ANY REPORTS OF JUDICIAL INQUIRIES INTO THE AMOCO CADIZ INCIDENT IN MARCH 1978 WHICH ARE AVAILABLE FOR STUDY PRIOR TO THE THIRTY-SEVENTH SESSION OF THE LEGAL COMMITTEE:

"(1) WHAT POWERS ARE CURRENTLY AVAILABLE TO COASTAL STATES TO TAKE MEASURES TO DEAL WITH POLLUTION (OR OTHER MARINE HAZARDS) OR THE THREAT OF (THEM) AFFECTING THEIR INTERESTS, WITH PARTICULAR REFERENCE TO:

(A) REQUIREMENTS AS TO REPORTING AND NOTIFICATION OF RELEVANT INCIDENTS, AND  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 LONDON 08794 02 OF 02 051206Z

(B) MEASURES OF INTERVENTION, SALVAGE, AND ASSISTANCE,

BOTH IN CUSTOMARY AND CONVENTIONAL INTERNATIONAL LAW.

"(2) THE EXTENT TO WHICH THE POWERS REFERRED TO IN (1) ABOVE MIGHT BE CONSIDERED INSUFFICIENT TO DEAL WITH INCIDENTS SUCH AS THE AMOCO CADIZ AND OTHER SERIOUS INCIDENTS.

"(3) THE CONTENT OF POSSIBLE SOLUTIONS IN THE FIELD OF PUBLIC INTERNATIONAL LAW TO ANY PROBLEMS IDENTIFIED UNDER (2) ABOVE. THE SECRETARIAT SHOULD ALSO CONSIDER WHETHER THIS SHOULD APPROPRIATELY BE DONE BY AMENDMENT OF EXISTING INTERNATIONAL INSTRUMENTS OR BY THE PREPARATION OF NEW INTERNATIONAL INSTRUMENTS IN THE FIELD OF REPORTING, NOTIFICATION AND INTERVENTION.

"(4) THE EXTENT TO WHICH THE INTERNATIONAL REGIME OF SALVAGE AND ASSISTANCE COULD BE MODIFIED OR EXTENDED TO TAKE ACCOUNT OF THE RIGHTS AND INTERESTS OF THIRD PARTIES WHO MAY BE CONCERNED WITH OR AFFECTED BY EXISTING OR PROPOSED MEASURES OF INTERVENTION WITH PARTICULAR REFERENCE TO THE PRESERVATION OF THE ENVIRONMENT, SUBJECT TO APPROPRIATE SAFEGUARDS FOR THOSE DIRECTLY INVOLVED IN OPERATIONS OF SALVAGE AND ASSISTANCE.

"(5) THE DIRECTION BEING TAKEN AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA IN THE RELEVANT PROVISIONS OF THE ICNT AND THE RELEVANCE OF THESE PROVISIONS  
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 LONDON 08794 02 OF 02 051206Z

FOR THE FURTHER WORK TO BE UNDERTAKEN BY THE LEGAL COMMITTEE."

5. IN CORRIDOR, CONCERN EXPRESSED BY CANADA WITH THE IDEA THAT THE SECRETARIAT WAS BEING INVITED TO PRUDUCE SUCH A STUDY AND WHAT INFLUENCE SUCH A STUDY COULD HAVE ON INTERPRETATION OF INTERNATIONAL LAW. IN PRIVATE DISCUSSION WITH SECRETARIAT, U.S. DELEGATE ELICITED ASSURANCES THAT THE STUDY WOULD CONTAIN FEW IF ANY PRONOUNCEMENTS CONCERNING INTERNATIONAL LAW AND WOULD NOT BE BINDING ON ANYONE. THE STUDY IS CONSIDERED A MATTER OF ASSISTING THE COMMITTEE IN APPROACHING ITS BUSINESS WITH AS MUCH FACTUAL INFORMATION ON EXISTING LAW AS POSSIBLE.

6. WHILE NO FINAL SCHEDULE HAS BEEN AGREED UPON, IT WAS GENERALLY RECOGNIZED THAT THE 37TH SESSION OF THE LEGAL COMMITTEE (NOV. 20-24, 1978) WILL DEVOTE A SUBSTANTIAL PORTION OF ITS TIME TO THE AMOCO CADIZ MATTERS AND THE RESULTS OF THE SECRETARIAT'S TUDY.

BREWSTER

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MEETING AGENDA, MARINE TRANSPORTATION, COMMITTEES, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978LONDON08794  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780234-0313  
**Format:** TEL  
**From:** LONDON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780696/aaaadeyh.tel  
**Line Count:** 280  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 3f8b3d92-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 6  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2491676  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IMCO: 35TH SESSION OF THE LEGAL COMMITTEE MAY 30 - JUNE 2, 1978  
**TAGS:** EWWT, PORG, US, IMCO  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odhc://SAS/SAS.dbo.SAS\_Docs/3f8b3d92-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014